

NANETTE ELMAN,

Plaintiff,

- against -

JOHN E. POTTER, UNITED STATES POSTAL
SERVICE AGENCY, KAREN GAULT, and
DIANE D’ORAZIO,

Defendants.

DECISION and ORDER

2:05-cv-03468-ENV-WDW

On September 10, 2007, Magistrate Judge William D. Wall issued his Report and recommended that plaintiff's complaint be dismissed with prejudice for failure to prosecute this action pursuant to Federal Rule of Civil Procedure 41(b). Neither plaintiff nor defendants have objected to Magistrate Judge Wall's Report and Recommendation within the time prescribed by 28 U.S.C. § 636(b)(1).

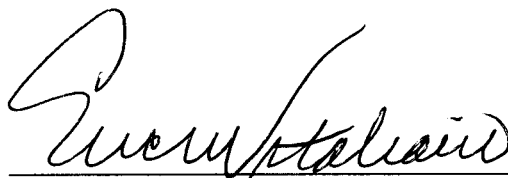
In reviewing a Report and Recommendation, this Court “may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). “To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record.” Nelson v. Smith, 618 F.Supp. 1186, 1189 (S.D.N.Y. 1985). See also Greene v. Trustees of Columbia University, 234 F.Supp.2d 368, 370-71 (S.D.N.Y. 2002); Pizarro v. Bartlett, 776 F.Supp. 815, 817 (S.D.N.Y. 1991).

After careful review of the motion papers and the record below including the transcript of the proceedings before Magistrate Judge Wall on August 30, 2007, the Court finds Magistrate Judge Wall's Report and Recommendation as to the dismissal of the complaint with prejudice for failure to prosecute to be correct, well-reasoned, and free of any clear error. The Court, therefore, adopts the Report and Recommendation in its entirety as the opinion of the Court.

Accordingly, the complaint is dismissed with prejudice for failure to prosecute this action. The Clerk of the Court is directed to close this case.

SO ORDERED.

DATED: Brooklyn, New York
October 2, 2007

A handwritten signature in black ink, appearing to read "Eric N. Vitaliano", written over a horizontal line.

ERIC N. VITALIANO
United States District Judge